

CA2ONCH 93C07

Ontario. The Consolidated Hearings Act, 1981.

CH-92-07

TOWNSHIP OF CHARLOTTENBURGH - NORTH LANDFILL SITE.

DECISION AND REASONS FOR DECISION... 1993.

CA2ONCH 93C07

Earth Sciences Library



The Joint Board THE CONSOLIDATED HEARINGS ACT, 1981

CH-92-07

TOWNSHIP OF CHARLOTTENBURGH - NORTH LANDFILL SITE DECISION AND REASONS FOR DECISION

IN THE MATTER OF the *Consolidated Hearing Act*, R.S.O. 1990, c. C.29; the *Environmental Protection Act*, R.S.O. 1990, c. E.19; the *Planning Act*, R.S.O. 1990, c. P.13; and the *Intervenor Funding Project Act*, R.S.O. 1990, c. I.13;

AND IN THE MATTER OF an application by the Township of Charlottenburgh for an amendment to Provisional Certificate of Approval No. A481004 for its North Landfill waste disposal site located on Lots 20 and 21 Concession 7 (NSR) in the Township of Charlottenburgh to serve the Township and the Village of Lancaster for a further five year period; and for approval of Official Plan Amendment No. 36 to the Official Plan of the Township of Charlottenburgh for the purpose of setting policies respecting the current use and development of land known as the Township's North Landfill Site and to change the existing designations of the site in order to permit the existing solid waste disposal site, a waste transfer station and a communication tower.

BEFORE:	L. Gertler	-	Chair
	E. Tracey	-	Member
	T. Yao	-	Member

DATED at TORONTO this 28th day of MAY, 1993.

2300 Yonge Street

Suite 1201

Toronto, Ontario M4P 1E4

Tel: (416) 323-4806

TABLE OF CONTENTS

	<u>Page No.</u>
Appearances	1
Witnesses	2
Reasons for Decision	3
I Background	3
II Environmental Effects on the Wetland - Water Quality	5
III Environmental Effects on the Wetland - Biology	7
IV Trigger Conditions	8
V Official Plan Amendment 36	9
VI Diversion and Waste Management Master Plan	10
VII Consultation and Public Participation	11
VIII Evaluation and Conclusion	12
Decision	13
Dissent of T. Yao on Effective Date of Joint Board Approval	15
Appendix A - Conditions of Approval for Provisional Certificate of Approval for a Waste Disposal Site, No. A481004	



Digitized by the Internet Archive
in 2025 with funding from
University of Toronto

<https://archive.org/details/31761056888456>

IN THE MATTER OF the *Consolidated Hearing Act*, R.S.O. 1990, c. C.29; the *Environmental Protection Act*, R.S.O. 1990, c. E.19; the *Planning Act*, R.S.O. 1990, c. P.13; and the *Intervenor Funding Project Act*, R.S.O. 1990, c. I.13;

- and -

IN THE MATTER OF an application by the Township of Charlottenburgh for an amendment to Provisional Certificate of Approval No. A481004 for its North Landfill waste disposal site located on Lots 20 and 21 Concession 7 (NSR) in the Township of Charlottenburgh to serve the Township and the Village of Lancaster for a further five year period; and for approval of Official Plan Amendment No. 36 to the Official Plan of the Township of Charlottenburgh for the purpose of setting policies respecting the current use and development of land known as the Township's North Landfill Site and to change the existing designations of the site in order to permit the existing solid waste disposal site, a waste transfer station and a communication tower.

BEFORE:	L. Gertler	-	Chair
	E. Tracey	-	Member
	T. Yao	-	Member

APPEARANCES:

Lynda C.E. Tanaka	-	Township of Charlottenburgh
Patricia Lefebour		
Alison Hall	-	Ministry of Environment and Energy
Nancy Jack		
Gerald Dupuis	-	Eastern Ontario Health Unit
Robert Evans	-	Public Liaison Committee
Joan Gibson		
Glen Runions	-	On his own behalf

John Wood	-	On his own behalf and appearing on behalf of an <i>ad hoc</i> group of neighbours adjacent to the landfill site
Michael Beaudin Shirley Beaudin	-	On their own behalf
Andree Hunter	-	On her own behalf
Elaine Kennedy	-	Chair, Public Advisory Committee, St. Lawrence Remedial Action Plan
James Nichol Dorothy Nichol	-	On their own behalf

WITNESSES:

Andrew G. Hims	-	Jagger Hims Limited
Leon G. Bryck	-	Hydroterra Limited
Bruce E. Halbert	-	Senes Consultants Limited
Gary A. Epp	-	Totten Sims Hubicki
Dale Rooney	-	Concord Environmental Corporation
Steven Taylor	-	Totten Sims Hubicki
Ivan Sirman	-	Totten Sims Hubicki
Guy P. Laporte	-	Totten Sims Hubicki
Anne MacGillivray	-	Study Coordinator, Waste Management Master Plan, United Counties (Glengarry, Stormont, Dundas)
Merlin Dewing	-	Former, Chief Administrative Officer, Township of Charlottenburgh
Dennis Gratton	-	Totten Sims Hubicki
Michael E. Ladouceur	-	Air Quality Assessment Analyst, Ministry of Environment and Energy (MOEE)

Frank Crossley - Senior Hydrogeologist (MOEE)
David Dillenbeck - Acting Regional Biologist South Eastern Regional Office (MOEE)
Larry L. Benoit - Senior Environmental Officer, Cornwall District, (MOEE)
Marcel J. Lapierre - Administrator Clerk, Township of Charlottenburgh

REASONS FOR DECISION

I BACKGROUND

The site has been in continuous operation since 1943. On June 19, 1980, it was given a Provisional Certificate of Approval for 300 people. Evidence was submitted that from time to time it served more people - as many as 1700. In 1984, the Township closed its south landfill site and usage for the remaining site - the subject site - climbed to about 8,500 persons. This includes the population of the Township of Charlottenburgh and the Village of Lancaster.

On November 16, 1987, the Ministry of the Environment (MOE) gave an emergency approval for three years, expiring November 30, 1990. The deadline was to coincide with the creation of a United Counties (Glengarry, Stormont, Dundas) Waste Management Plan. Midway through the three year term, the Township Council realized the Master Plan would not be in place by the expiry date and obtained a series of approximately six emergency approvals, the latest to expire in December 1993. The emergency approvals were often faxed to the Township days before the expiry.

Without the approvals, the Township cannot use its landfill site. It must pay to have domestic waste transported to another jurisdiction, probably to Carp. If that becomes necessary, the haulage, tipping and royalty fees would be in the order of \$700,000 annually. The Township is obviously anxious to put its waste management on a secure legal framework.

While operating under emergency approvals the Township was required to produce annual reports detailing the site's hydrogeology, the effect on the adjacent wetlands' water quality, biological effects, traffic, noise, air quality, and the public participation process. As a result there exists a body of data for three consecutive years for this site.

The Township obtains its approvals from the Director of Approvals and Land Use Planning Branch of the MOEE. Along with the Township's technical consultants, MOEE, Township Council and the citizens of Charlottenburgh (formally through a Planning Liaison Committee, and informally in other ways), have been involved at every step. There has been a free interchange of information between technical experts and the parties are able to detail in writing their agreement on methodology and findings. Their solicitors have produced an agreed statement of facts. As a result, all parties indicated at the outset of the hearing that *there was no disagreement with respect to the basic findings, the type of monitoring to be imposed, nor to the wording of the conditions to be imposed.*

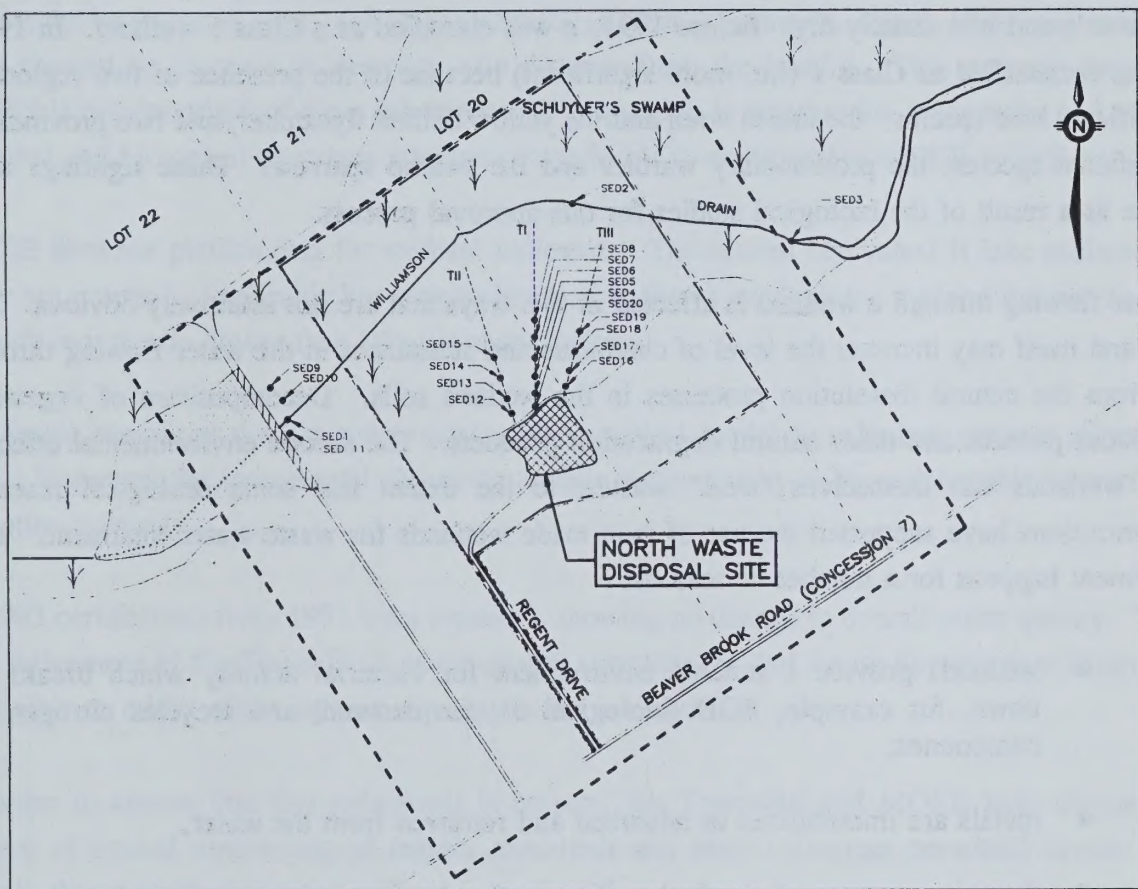
The documentation on relevant subjects by year was briefly summarized as follows:

	1990	1991	1992	1993
Hydrogeology	•	•		•
Surface water		•		•
Biology	•	•		•
Traffic and noise		•		•
Air quality		•		•
Land use planning	•			•
Operations		•	•	•
Public participation	••	•		

Dust, traffic, noise and air quality were identified as non-contentious issues early on. The Board does not intend to review the technical issues in detail, nor the 4 days of oral testimony. In our opinion, there was only one critical issue: the effect of the landfill operations on the adjacent Class 1 wetland.

II ENVIRONMENTAL EFFECTS ON THE WETLAND - WATER QUALITY

The actual fill area is about 8.1 ha out of a total licensed area of 57.7 ha. Schuyler's Swamp is the wetland immediately north of the fill area. In the centre of the Swamp is Williamson drain, dug in 1922 and draining about 400 ha of wetland. Leachate from the fill area flows north into the surface water and deeper ground water below the Swamp. The apparent paradox is how this could happen without adverse environmental impacts.



Leachate is rainwater contaminated by dissolved chemicals and suspended solids from the buried waste. Because the landfill site has been in operation for some 48 years, it is possible to measure the chemical concentration of the leachate and its rate of attenuation as it flows through the Swamp. A request for sampling of the sediments in the wetlands came from comments at the public information meeting of September 19, 1990 from the St. Lawrence Remedial Action Plan, and MOEE. Surface water was sampled for:

- general water quality parameters;
- phenols;
- pesticides;
- other organic compounds; and
- metals.

Schuyler's Swamp is land which is at or slightly below the water table. It has the appearance of a wooded swamp with a large number of dead trees. During the spring it is wet but by summer's end it is usually dry. Before 1991, it was classified as a Class 5 wetland. In 1991, it was reclassified as Class 1 (i.e. more significant) because of the presence of two regionally significant bird species: the marsh wren and the yellow bellied flycatcher; and two provincially significant species: the prothonotary warbler and the swamp sparrow. These sightings were made as a result of the biological studies for this approval process.

Water flowing through a wetland is affected in two ways that are not intuitively obvious. The wetland itself may increase the level of chemicals and substances in the water flowing through it, from the natural dissolution processes in the wetland soils. Decomposition of vegetation produces phenols and other natural degradation products. The second environmental effect is that wetlands can themselves "treat" wastes, to the extent that some ecological research organizations have supported the use of man-made wetlands for waste water treatment. This treatment happens for a number of reasons:

- wetlands provide a suitable environment for bacterial activity which breaks down, for example, BOD (biological oxygen demand) and recycles nitrogen compounds;
- metals are immobilized or adsorbed and removed from the water,
- there is a process of physical settling in the slowly moving or stagnant waters.

Analysis of sediments in the Swamp showed one of three results. For some parameters, there was low or no discernible contamination (most metals, pesticides). For other parameters, there were elevated levels that were typical of *any* wetland environment, and could be expected to be

generated from natural processes (e.g., iron, total organic carbon, phenols). Third, there were elevated level of parameters that *could* be attributed to the landfill site. These include barium, chloride, lead, manganese, zinc etc. When plotted against distance for the landfill, most of these showed a downward sloping curve with distance from the landfill.

The analyses also show a high degree of variability. Certain parameters *increase* in concentration as one moves farther from the fill area. Some parameters (vanadium, ammonia) showed a downward trend even though concentrations are lower in the vicinity of the landfill than at the background sites. Others (aluminum, calcium, chromium, cobalt, iron, magnesium, etc.) showed no increase or decrease with distance from the landfill. This suggests that the landfill is not the origin of these substances. The question is whether the topography and other physical and biological processes attenuate these levels to come within MOEE guidelines.

MOEE does not publish data for wetland sediments. The nearest equivalent is lake sediments. They are not really applicable but nonetheless testing shows levels in the wetland that are *below or only marginally higher* than lake sediment criteria.

For water sampling, the Township used a mathematical model to calculate removal of metal ions. It showed the incremental change to surface water quality to be undetectable by current detection methods.

In 1992 certain tests from 1991 were repeated, showing no change in overall water quality. The best judgement of the Township's water quality consultant is that future operations will have a negligible to minor effect on water quality in the wetland.

In order to ensure that this judgement is correct, the Township and MOEE have devised a system of annual monitoring of certain chemicals and their maximum permitted levels. A sample that exceeds that level will trigger remedial measures.

III ENVIRONMENTAL EFFECTS ON THE WETLAND - BIOLOGY

In order to corroborate its judgement that the wetland's water quality was not impaired by the leachate, the Township also conducted a study of animal species in the sediment. These animals consisted of small micro-organisms and larvae etc., which are capable of being quantified and

which can provide a specific indication of water quality. The biologist, Dr. Epp, found if anything there was a greater species richness in the area affected by the leachate than upstream. He also made simple observations to see if there was any die-back of plants, and found none.

The use of a biological study as a corroboration of hydrogeological and surface water studies must be regarded as an unusually progressive and responsible decision by the Township. It gives the Board confidence in assessing the application with respect to the Provincial Policy on Wetlands (which came into effect June 27, 1992). Section 2.2 of the Policy states that development on lands adjacent to a wetland may be permitted only if it does not result in

- the loss of wetland functions, such as immobilizing contaminants, habitat, supporting complex food chains etc;
- creating a subsequent demand for development;
- conflict with existing wetland management, or
- loss of wetland area.

All these criteria are met. The fill area is adjacent to the wetland. It is graded and the toe has been stabilized in order to ensure that there is no loss of wetland area. Any development here must be supported by an environmental impact study. This has been done. In these circumstances, the Policy has been complied with.

IV TRIGGER CONDITIONS

The Township has devised a series of additional monitoring measures to confirm their present estimations and to provide an early warning in the case of unexpected levels of chemicals in the surface and ground water. These are incorporated in the Conditions of Approval.

In the case of a trigger condition occurring, there are four scenarios that could be selected by the parties after joint consultation. The first two involve capping of the site, which will reduce the amount of precipitation reaching the waste material. Capping will thus reduce leachate. Option three involves the collection and treatment of leachate-contaminated water from a piped collection system along the north toe of the landfill site for surface water; and from deep purge wells for bedrock ground water. The Township will collect the leachate, and truck it to a treatment facility. Currently no nearby plant has a certificate of approval to treat leachate

contaminated water from Charlottenburgh. Option four involves closing the site, establishing a transfer station, and trucking incoming waste material to Carp.

The Township is doing the necessary planning to allow it to erect a temporary waste transfer station at the site, in the event that option four is necessary. The capital cost of this transfer site is estimated to be in the order of \$100,000. It should be emphasized that the evidence submitted is that this is a contingency plan to demonstrate that the Township has some practical solutions should the unforeseen occur. The operations experts emphasized that there was a system of warning, "trigger mechanisms", built into the operations to provide for an orderly reaction to contingencies and that there was minimal likelihood of any of the options being necessary. In these circumstances, this Board is of the opinion that the contingency plans are developed to a reasonable level of detail and planning.

V OFFICIAL PLAN AMENDMENT 36

This landfill site is designated Open Space on the Official Plan. This is obviously inappropriate. On August 13, 1991 the Township regularized this by passing Official Plan Amendment 36 and Zoning By-law 43-91. No-one has appealed those amendments. However, as the time for the environmental approval of the landfill site approached, the Minister of Municipal Affairs had not approved Official Plan Amendment 36. It is not effective until the Minister approves it.

The Township was concerned that the environmental approval would founder on the technical issue of the official plan status. It requested the Minister refer Official Plan Amendment 36 to the Ontario Municipal Board. The Minister did so on March 23, 1992. We understand a comprehensive revision of the Official Plan is currently before the Minister and may even receive approval before this decision is rendered. However, we have no power to deal with anything other than Official Plan Amendment 36.

This amendment designates the licensed fill area "solid waste disposal site". This is uncontroversial.

What is of more concern to the Board is the manner in which Council has implemented MOEE Policy 07-07. This requires that any new development on land within 500 metres of the fill area undergo an assessment of environmental impacts. Council has faithfully duplicated this Policy in both paragraph 4.14.3.5 of Official Plan Amendment 36 and By-law 43-91. In the Zoning

By-law it states "any new building or structure or any enlargement of an existing building or structure shall not be issued until . . . certain environmental criteria of the Ministry of the Environment . . . are satisfied."

During the course of this hearing, we heard evidence that a landfill site was essentially not compatible with residential uses. Furthermore, to remove the "H" imposed by the existing zoning would require the landowner to invest heavily in technical studies, such as hydrogeological investigations. We heard the cost of a simple hydrogeological study would be in the range of \$20,000 to \$30,000.

We have had the benefit of technical studies at this hearing, as well as MOEE's evidence on its likely reaction to any development proposal involving new human habitation. In our opinion, there is no public purpose served in requiring a person seeking new residential development to reinvent the wheel.

Paragraph 4.14.3.5 of Official Plan Amendment 36 has the effect of prohibiting development on land within 100 metres of the fill area of the waste disposal site. In addition, it requires that development proposals for lands within 500 metres of the site must undertake an assessment of soil and groundwater conditions to ensure that development will not be adversely affected in any way by the presence of the landfill site.

The Official Plan should be clearer and more restrictive. This Decision will prescribe the appropriate wording.

In other respects Official Plan Amendment 36 is approved.

VI DIVERSION AND WASTE MANAGEMENT MASTER PLAN

Charlottenburgh has no public door-to-door pickup of its garbage. Wastes are brought to the landfill site in personal vehicles, or for a limited few by a commercial service that can be arranged through the municipality. On July 16, 1991, the Township instituted a tipping fee system of \$10 per load. Weekly trips dropped from an average of 462 to 182. Charlottenburgh residents currently generate about 2,000 tonnes per year and the Township's operating plan assumes 3,400 tonnes per year. The capacity of the site is 40,800 cubic metres, which is equivalent to a little over 4,000 tonnes per year.

However, the Township has no recycling program and no blue box program. It has applied for a grant to initiate a modest diversion program consisting of public receptacles for glass, pop cans and newsprint. The pick-up points would be in Williamstown and Glen Roy. We understand that the grant is being held up at the waste reduction office and Ontario Multimedia Recycling Inc. (OMMRI), a private sector group, because Charlottenburgh offers no curbside pickup. Without commenting on this impasse, we wish to simply observe the obvious, that the cost of this application for continued use of the landfill site has prevented the Township from undertaking any other diversion initiatives. The Township also looks for leadership on the diversion system from the Waste Management Master Plan Committee (WMMP), United Counties.

The Master Plan is at the stage where initial information gathering has been accomplished and the Committee will draft the criteria and methodology for the site selection process. The evidence before us is that the province is aiding local committees by producing a "model" site selection process. It is to be available in the spring of 1993. WMMP Committee is awaiting this document before proceeding further. Assuming it has this document, it expects that its timetable can be met.

VII CONSULTATION AND PUBLIC PARTICIPATION

The Township has co-operated fully with the MOEE. Its senior environmental officer noted that the landfill site is well run, and that his files show four complaints for 1989, two for 1990 (one unsubstantiated, one substantiated) and none since 1990.

The Township has also taken an effective and responsible position with respect to the public participation process. It has held four formal public meetings:

Date	Attendance
April 25, 1990	19 during p.m., 28 evening
Sept 19, 1990	14 during p.m., 22 evening
April 10, 1991	15 during p.m., 22 evening
Sept 8, 1992	14 (p.m. only)

The meetings provided an opportunity for conveying information and receiving concerns of the public. We have already mentioned the role of the public process as the initiator of biological testing.

This Board also provided part-time party status to the Public Liaison Committee (PLC), a council appointed advisory group on waste, and to a group of nearby residents called the Ad-hoc Neighbours' Group. At the hearing the Public Liaison Committee supported the application. There is also a letter of support from David A. Rawnsley.

Mr. Rawnsley stated:

Having an operating landfill provides us with a respite to implement the changes necessary locally to reduce our waste, set up reuse and recycling activities, and ensure that our fellow residents are made aware of the cost to the environment of not undertaking these activities.

In addition the Cornwall Environmental Resource Centre (John E. Milnes) wrote to the Board on November 12, 1992 to support this application.

The Ad-hoc Neighbours' Group furnished a series of questions to the Township before the hearing began. Those questions and answers became part of the record of this hearing. In addition, the Township provided the required statutory public notices as part of its planning process with respect to the Official Plan Amendment 36. Finally, this Board, as part of its hearing process, provided a well advertised public evening session at which members of the public could ask questions of all technical consultants involved in the application as well as of MOEE staff. Twelve persons attended the Board's public session.

As a result of this broad process of consultation, there was no real public statement of opposition to the application. The public statements we heard generally related to matters of clarification or expression of the importance of the issues being considered.

VIII EVALUATION AND CONCLUSION

The proponent roughly estimated the cost of technical studies and legal advice for this application to be one million dollars. This is a significant amount and it all comes from the public purse, either in the form of municipal taxes or provincial grants.

This decision is based on painstaking and costly technical evidence and a costly public participation process. It is also self-limiting, in the sense that the conditions require that use cease if the contours are reached before the five year period elapses, or if a United Counties Waste Management Master Plan is implemented.

This Township has achieved an effective public and technical process that has resulted in an absence of opposition to the certificate of approval. In particular, the site has been sufficiently studied, the conclusions have been corroborated, and an effective method of continuous monitoring, established. This Board is satisfied that operation of the landfill under the certificate and conditions will protect the natural environment.

The present emergency approval dated December 16, 1992 reads:

The date after which no wastes shall be disposed of at the landfill site is extended from December 31, 1992 to December 31, 1993.

The reason for this amendment extending the site's closure date is that there is no other approved site in the area to which Charlottenburgh can direct its wastes for disposal while its application for a five year interim expansion is considered by the Environmental Assessment Board. The continued use of the site while the Board considers the application should pose no threat to the environment and will protect the public's health by ensuring that the Township's wastes continue to be disposed of in an acceptable manner. The one year extension is considered adequate for the Board to hold the hearing and render a decision.

The existing emergency approval will be superseded by the Board's decision.

DECISION

The Board approves the application of the Township of Charlottenburgh for a further five years subject to:

- the conditions of approval for a Certificate of Approval set out in Appendix A, which include the following matters:
 - a Development and Operations Plan, Conditions 8 and 9;

- a Monitoring Program of Surface and Ground Water Quality, Condition 10;
 - Contingency Plans, Conditions 11 and 12;
 - a Biological Monitoring Program, Condition 13;
 - Annual Reports on Development and Operations including the Monitoring Program, Condition 14;
 - the role of the Public Liaison Committee, Condition 16.
- the amendment of paragraph 4.14.3.5 of Official Plan Amendment 36 to replace the stated policy for the 100 metre and 500 metre buffer areas around the landfill with the following formulation:

Development will not be permitted on land within 100 metres of the fill area of the waste disposal site. Development which creates or has the potential for creating additional dwelling units within 500 m of the fill area will also not be permitted.

Expansion of existing dwelling units which do not create additional dwelling units and non-residential ancillary buildings or structures will be permitted.

DATED at TORONTO this 28th day of MAY, 1993.

"L. Gertler"

L. Gertler, Chair

"E. Tracey"

E. Tracey, Member

DISSENT OF T. YAO ON EFFECTIVE DATE OF JOINT BOARD APPROVAL

I am in complete accord with my colleagues' decision save on one point. With respect, I differ from their decision to follow standard practice of allowing the present emergency certificate to lapse on the issuing of the joint board order. I would have permitted the Township to operate until December 30, 1993 on its present emergency certificate and ordered that the five year extension take effect from that date forward. The Town would then have had an extra 7 months before being required to undergo the next Environmental Assessment Board hearing.

The purpose of an emergency certificate is set out in s. 31. If there is an emergency situation created by the closing of the north landfill site which will impair the natural environment, then the Director can issue an emergency certificate for its use.

The first emergency certificate was issued in 1987 with a deadline of November 30, 1990. It was to allow the municipality to assess its needs and to begin participation in a long range waste management master plan. It became apparent that a new landfill site for the United Counties of Stormont, Dundas, and Glengarry would not be available, so Charlottenburgh changed course and sought an extension of the emergency certificate.

Its application was submitted on November 1990. A three month extension was granted to permit the MOEE to review the application. On February 28, 1991, permission was given to operate the site "for a short interim period during which the new Certificate of Approval is being processed". On May 31, 1991 a new emergency certificate was issued, with a November 30, 1991 deadline for submission of reports and an expiry date of May 31, 1992 for receipt of waste at the site. On May 14, 1992 this deadline was extended to December 31, 1992. On December 16, 1992 this was extended to December 31, 1993.

MOEE exempted the interim expansion from a full environmental assessment hearing on May 14, 1992. Charlottenburgh applied for a hearing under the *Environmental Protection Act* on July 8, 1992. A hearing was convened some seven months later.

According to section 31, the purpose of emergency certificates to prevent impairment of the natural environment. In actual practice, the ministry has wisely used them to facilitate data gathering and to schedule the hearing rather than following the strict wording of the Act.

MOEE policy is that extensions of certificates of approval should be available for only five years at a time.

The emergency certificate usually lapses once the panel has delivered its decision approving the extension. Sometimes there is a delay of 6 months or more after the hearing. The result is that panels that deliver their decisions promptly allow proponents less time before the next application than panels who deliver their decisions in a more leisurely fashion. This is perverse and unbusinesslike. A regulatory tribunal should make decisions as expeditiously as possible. It is also incumbent on us to be sensitive to the costs of regulation. The process has been an extremely expensive one for the Township. A population of about 8,000 persons spent approximately one million dollars for the studies and consultants' fees.

This panel conducted a painstaking examination of the environmental implications of continuing operation of the north landfill site. The certificate is self-limiting; in the event the contours are reached, or ground water contamination is detected or there is a County-wide waste management plan implemented or if a host of other possibilities occur, this certificate comes to an end. Since this panel is now in receipt of all the information, it can conclude that continued operation of the site for five years or five years and seven months will not impair the natural environment. It should make a decision to that effect instead of mechanically following MOEE policy.

"T. Yao"

T. Yao, Member

CONDITIONS OF APPROVAL FOR PROVISIONAL CERTIFICATE
OF APPROVAL FOR A WASTE DISPOSAL SITE, No. A481004

These are the conditions of approval for the Provisional Certificate of Approval for a Waste Disposal Site, No. A481004, issued to the applicant on 11-10-17.

1. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

2. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

3. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

4. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

APPENDIX A

CONDITIONS OF APPROVAL FOR PROVISIONAL CERTIFICATE
OF APPROVAL FOR A WASTE DISPOSAL SITE, No. A481004

1. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

2. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

3. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

4. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

5. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

6. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

7. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

8. The applicant must ensure that the site is used for the purpose of the Provisional Certificate of Approval.

**CONDITIONS OF APPROVAL FOR PROVISIONAL CERTIFICATE
OF APPROVAL FOR A WASTE DISPOSAL SITE, NO. A 481004**

Under the Environmental Protection Act and the regulations and subject to the limitations thereof, this Provisional Certificate of Approval is issued to:

Township of Charlottenburgh
P.O. Box 40
Williamstown, Ontario
KOC 2J0

for the use and operation of a 8.1 hectare landfilling site (3.6 ha to be landfilled) within a total site area of 57.7 hectares

all in accordance with the following plans and specifications:

as set out in the November 1991 Development and Operations Plan Prepared by Totten Sims Hubicki Associates and in the Development and Operations Update, dated April 1993 prepared by Totten Sims Hubicki Associates as amended from time to time with the approval of the Director.

Located: *Part of Lots 20 and 21, Concession 7
Township of Charlottenburgh
Counties of Stormont, Dundas and Glengarry*

which includes the use of the site only for the disposal of the following categories of waste (Note: Use of the site for additional categories of wastes requires a new application and amendments to the Provisional Certificate of Approval)

domestic waste, commercial waste, and 10% solid non-hazardous industrial waste.

and subject to the following conditions:

1. Definitions of Terms

1. For the purpose of this Certificate of Approval:

1.1 "municipality" means the Corporation of the Township of Charlottenburgh;

**PROVISIONAL CERTIFICATE OF APPROVAL
FOR A WASTE DISPOSAL SITE**

Page 2 of 8

- 1.2 *"District Officer" means the District Officer of the Cornwall District Office of the Ontario Ministry of Environment and Energy;*
- 1.3 *"Regional Director" means the Regional Director of the Southeastern Region of the Ontario Ministry of Environment and Energy;*
- 1.4 *"Director" means one or more persons who from time to time are so designated for the purpose of Section 30 of the Environmental Protection Act;*
- 1.5 *"Development and Operations Plan" means the November 1991 Development and Operations Plan Prepared by Totten Sims Hubicki Associates;*
- 1.6 *"Development and Operations Update" means the Update to Development and Operations Plan of November 1991, dated April 1993, prepared by Totten Sims Hubicki Associates, as amended by Addendum to Update to Development and Operation Plan of November 1991, dated May 13, 1993; and*
- 1.7 *"Site" means the landfill site located at Part of Lots 20 and 21, Concession 7 Township of Charlottenburgh in the Counties of Stormont, Dundas and Glengarry.*
2. *This Certificate of Approval replaces all Certificates of Approval and Notices of Amendment identified by Certificate of Approval No. A 481004 issued prior to the date on this Certificate*
3. *No waste shall be disposed of at the Site after the earlier of:*
 - 3.1 *Five years after the date of issue of this Certificate; or*
 - 3.2 *Once the proposed contours as shown on Drawing 22 of the Appendix to the Development and Operations Update have been reached; or*
 - 3.3 *After the commencement of operation of waste disposal at a site pursuant to the United Counties of Stormont, Dundas and Glengarry Waste Management Master Plan.*

**PROVISIONAL CERTIFICATE OF APPROVAL
FOR A WASTE DISPOSAL SITE**

Page 3 of 8

4. *Only waste generated within the boundaries of the Township of Charlottenburgh and the Village of Lancaster shall be accepted for disposal at the Site.*
5. *The Municipality shall place a sign at the main entrance to the Site on which is displayed in prominent letters the following information:*
 - *the name of the Site*
 - *the operating authority*
 - *the approved hours of operation*
 - *the telephone number for reporting emergency situations occurring during non-operation hours*
6. *The approved hours of operation for the Site are*

April 1 - October 31 9:00 am - 6:00 pm

November 1 - March 31 8:00 am - 4:00 pm

On-site equipment may operate 1 hour beyond the Site's closing time.
7. *During non-operation hours the Site is to be secured against access by unauthorized persons.*
8. *The Site shall be operated and maintained in accordance with all of the plans and specifications in the Development And Operations Report as revised by the Development and Operations Update, and as amended from time to time with the approval of the Director. The documents listed in Schedule A to this Certificate provide additional background information for the Site.*
9. *The following specific conditions must be complied with subject to any variations agreed to or issued by the Director, in writing:*
 - 9.1 *No waste shall be received for disposal at the Site except during operating hours when the Site is under the supervision of the site attendants or the alternate.*
 - 9.2 *During the summer months (April 1 - October 31) each day's deposited waste shall be covered by a minimum of fifteen (15) centimetres of soil. during the winter months, a weekly covering of fifteen (15) centimetres of soil will be permitted.*

9.3 *The burning of wastes on the Site is prohibited.*

9.4 *Scavenging is prohibited.*

10. *The Municipality is to continue the monitoring programs outlined in the Development and Operations Plan as revised by the Development and Operations Update, subject to any amendments which the Director may request in writing from time to time.*

An additional background wetland monitoring nest be installed and monitored west of BH11 beyond the influence of the leachate plume and monitored in accordance with the monitoring program.

In addition, the existing bedrock wells specifically BH14-I, BH16-I, and BH18-I shall be rehabilitated. If rehabilitation is unsuccessful, the wells should be properly abandoned and a replacement bedrock well drilled.

In the event that the monitoring program indicates the Ministry's Reasonable Use Policy Guidelines are being exceeded at any property line, the applicant shall submit a proposed contingency plan to be implemented, to the Regional Director. Exceedence is defined as a concentration of a specific parameter greater than the Reasonable Use Criteria at Borehole 21 or 24 for shallow ground water, or greater than the Ontario Drinking Water Objectives for a specific parameter at the Bedrock monitor at the toe of the Site, as measured during one event within the routine monitoring program and subsequently confirmed by resampling within a period of one month following receipt of the initial chemistry analysis result. The implementation of remedial measures and/or additional monitoring will be a decision of the Director in consultation with the Township of Charlottenburgh.

The following parameters, for which there are Ontario Drinking Water Objectives established, and which are being analyzed in the routine groundwater sampling program are included in the definition of exceedence:

- sodium, hardness, alkalinity, sulphate, chloride, and nitrate and total dissolved solids in the shallow groundwater aquifer

- sodium, hardness, alkalinity, sulphate, chloride, and nitrate in the deeper groundwater aquifers

**PROVISIONAL CERTIFICATE OF APPROVAL
FOR A WASTE DISPOSAL SITE**

Page 5 of 8

11. Remedial measures may include (but not be limited to)

11.1 For shallow water quality, the construction of a leachate collection system along the North Toe of the Site.

11.2 For bedrock groundwater Quality, the installation of purge wells.

12. If surface water sampling at stations SW8, SW9, SW9 - 1 and SW10 in Williamson's Drain shows a doubling in the baseline levels on three consecutive sets of samples on any four of the seven key monitoring parameters; sodium, calcium, potassium, sulphate, chloride, nitrate plus nitrite, and ammonia, then a contingency plan outlined in the Development and Operations Plan Update may be implemented. Implementation of such a contingency plan would be a decision of the Regional Director in consultation with the Township of Charlottenburgh.

13. The Biological Monitoring Program outlined in the Development and Operations Update shall be continued for 1993 after which its continuance should be reassessed in consultation with the Ministry of Natural Resources and the Ministry of Environment and Energy Biological Technical Staff.

Biological Monitoring shall be discontinued only if similar variability in total abundance, species richness, and mean diversity to that found in 1990 to 1992 monitoring is observed, and if there is a lack of dominance of pollution tolerant benthic indicator organisms at the downstream locations BS3 and BS6 in comparison with data from upstream location BS1.

14. An annual report on the Development and Operation of the Site, including the monitoring program, shall be submitted to the Regional Director by March 31st of the year following the calendar year covered by the report. The report shall include, but not be limited to the following:

- progressive use of the Site
- quantities of wastes received and waste diverted
- progression of final cover
- conformance with the Development and Operation Plan as revised by the Development and Operations Update
- remaining site capacity
- operations problems encountered and remedial action taken
- monitoring program results, data interpretation and recommendations

PROVISIONAL CERTIFICATE OF APPROVAL
FOR A WASTE DISPOSAL SITE

Page 6 of 8

- *the occurrence of any unexpected incidents negatively impacting on the site, describing the nature of the incident, how it was managed and what action has been taken to avoid a recurrence. The Township shall immediately notify the Regional Director or his or her representative of any such incident.*

15. *This Certificate of Approval shall be registered on the title to the lands comprising the Site. No operation shall be carried out at the Site after 60 days of this condition becoming enforceable unless the Certificate including the reasons for this condition has been registered by the applicant as an instrument in the appropriate Land Registry Office against the title to the Site and unless a duplicate registered copy thereof has been returned by the applicant to the Director.*

16. *The municipality shall continue to have a Public Liaison Committee and shall submit the Terms of Reference of the Public Liaison Committee to the Director of the Ministry of Environment and Energy for approval. The Terms of Reference for the Public Liaison Committee shall include the following objectives:*

16.1 *To assist the Township and its consultants in monitoring the continued use of the Charlottenburgh North Landfill Site for the term of this Certificate of Approval or until the Waste Management Master Plan of the United Counties of Stormont, Glengarry and Dundas is in place by providing input in the areas of:*

- a) *public concerns and issues,*
- b) *consensus support on these concerns and issues, and*
- c) *feasibility plans or alternatives;*

16.2 *to provide opportunities for citizens to gain a deeper understanding of Waste Management and public responsibilities in waste management planning;*

16.3 *To build a strong liaison with the Ministry of Environment and Energy, the consultants and Township representatives in order that the public is kept up-to- date on procedures, policy and plan developments and revisions;*

16.4 *To help citizens find early convenient opportunities to make positive contributions to the planning process and to decision making; and*

**PROVISIONAL CERTIFICATE OF APPROVAL
FOR A WASTE DISPOSAL SITE**

Page 7 of 8

- 16.5** *To review materials to be distributed to the public and provide input to the Township of Charlottenburgh Council on reports prepared by the consultants, such as the Annual Reports on Development and Operation.*

PROVISIONAL CERTIFICATE OF APPROVAL
FOR A WASTE DISPOSAL SITE

Page 8 of 8

SCHEDULE "A"

This Schedule "A" forms part of the Provisional Certificate of Approval.

**[ALL REPORTS TO BE LISTED HERE TO PROVIDE ADDITIONAL
BACKGROUND INFORMATION]**

SCHEDULE "A"

1. *Addendum Report to the Biological Assessment Report November 9, 1990 and the Biological Impact Supplementary Report November, 1991, Totten Sims Hubicki Associates, January 1993.*
2. *Revised pages 3-1 to 3-4, tables 3.1 to 3.5, pages 4.1 to 4.2, Township of Charlottenburgh, North Landfill Site, Certificate of Approval No. A481004, addendum to the Surface Water Assessment Report dated November 1991, January 1993; Senes Consultants Limited.*
3. *Memorandum "Description of Summary Statistics and Percent Exceedences Analyses of Surface Water Quality in the Raisin River", February 22, 1993; Senes Consultants Limited (Exhibit 23).*
4. *Revised Appendix D to the Second Addendum Report January 1993, Detailed Hydrogeological Investigation, North Landfill Site, Township of Charlottenburgh, Glengarry County, Certificate of Approval No. A481004, Vol. 2 Appendices C, D and E, January 1993; Jagger Hims Limited in co-operation with Hydroterra Limited.*

**ADDENDUM TO
"UPDATE TO DEVELOPMENT AND OPERATION PLAN
OF NOVEMBER 1991" DATED APRIL 1993**

<u>PAGE</u>	<u>DESCRIPTION OF CHANGE/CORRECTION</u>
25	"An additional background wetland monitoring west..." should read "An additional background wetland monitoring nest..."
26	Replace "sodium, hardness, alkalinity, sulphate, chloride, nitrate and for shallow groundwater only, total dissolved solids" with: "- sodium, hardness, alkalinity, sulphate, chloride, and nitrate and total dissolved solids in shallow groundwater aquifer. - sodium, hardness, alkalinity, sulphate, chloride, and nitrate in the deeper groundwater aquifers."
32	Replace "sodium, hardness, alkalinity, sulphate, chloride, nitrate plus nitrate and total dissolved solids (for shallow groundwater only)" with: "- sodium, hardness, alkalinity, sulphate, chloride, and nitrate and total dissolved solids in the shallow groundwater aquifer. - sodium, hardness, alkalinity, sulphate, chloride, and nitrate in the deeper groundwater aquifers."
32	Replace heading "Measuring Period" with "Measuring Period (Surface Water)".
33	Replace heading "Decision Maker" with "Decision Maker (Surface Water)".

Date: May 13, 1993

CAZONCH 93C07

Ontario. The Consolidated Hearings Act, 1981.

CH-92-07

TOWNSHIP OF CHARLOTTENBURGH - NORTH LANDFILL SITE.

**RESOURCE CENTRE
INST. FOR ENVIRON'L. STUDIES
UNIVERSITY OF TORONTO**



